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Glossary of Terms

As Used in this Decree

Accused Person

an individual who is accused of having performed an act of child abuse.

Adult

an individual who is eighteen years of age or older.

Bishop

the Bishop of the Diocese of Steubenville

Child

a person under eighteen years of age or a physically or mentally handicapped person under twenty-one years of age.

Child Abuse

any of the following:

- a. Engaging in sexual activity, as defined under Chapter 2907 of the *Ohio Revised Code*, with a child where such activity would constitute an offense under that Chapter;
- b. Endangering a child as defined in Section 2919.22 of the *Ohio Revised Code*;
- c. Denying to a child, as a means of punishment, proper or necessary subsistence, education, medical care or other care necessary to a child for the child's health;
- d. Using restraint that causes a child pain or injury;
- e. Administering prescription drugs or psychotropic medication to a child without the written approval and ongoing supervision of a licensed physician;
- f. Providing alcoholic beverages or controlled substances to a child. For the purpose of this *Decree on Child Protection*, this does not include the offering of the Precious Blood to someone under the age of 21;
- g. Committing of any act, other than by accidental means or by actions taken in self-defense or under similar justifiable circumstances, that results in any injury or death to a child or commission of any act by accidental means that results in any injury or death to a child and that is at variance with the history given of the injury or death;
- h. Inflicting by any individual of physical or mental injury that threatens to harm a child's health or welfare.

Cleric

an ordained priest or an ordained deacon who is incardinated in the Diocese, as well as a religious priest or deacon, or a priest or deacon incardinated in another diocese, who is engaged in a ministry under the control or auspices of the Diocese.

Decree

this *Decree on Child Protection*.

Diocese

the Roman Catholic Diocese of Steubenville.

Employee

any person who is employed by the Diocese or a subdivision thereof. An employee may be a cleric, or a lay person who may also be a member of a religious institute.

Local Church Community

a parish, school or other ministry location such as a hospital, university, etc.

Offender

an individual who has performed an act of child abuse.

Parent or Guardian

that person possessing legal custody of a child.

Policy

a provision of this *Decree* which mandates an action or standard of behavior on the part of specified persons or offices, agencies, parishes, schools or institutions of the Diocese. The policies of this *Decree* are particular law of the Diocese, as defined by the *Code of Canon Law*.

Recommendation

a provision of this *Decree* which encourages an action or standard of behavior on the part of specified persons, offices, agencies, parishes, schools or institutions of the Diocese.

Regular Volunteer

an adult who is not an employee but who is a catechist, coach, server coordinator, etc. and who functions in a regular relationship with children. This includes interns, student teachers and others in similar capacities. It also refers to anyone who participates in an overnight event with children, and an employee functioning as a volunteer outside his/her regular duties or within his/her parish or apostolate. The definition of a regular volunteer does not include occasional involvement, such as a driver or chaperone for individual

activities.

Response Team

a team of responsible individuals, set up by the Vicar General, to respond to the needs of the individual and community.

Responsible Supervisor

the hiring and/or supervising agent: for the parish, the pastor; for a school, the principal; for a parish religious education program, the director/coordinator/associate; for an Diocesan department, the department head; for any other organization or institution, the person in charge thereof.

Semblance of Truth

the level at which an allegation is deemed to have credibility, but is not yet proven.

Suspect

to imagine one to be guilty or culpable based on slight evidence or on facts and circumstances which do not amount to proof.

Vicar General

the Vicar General of the Diocese or the person otherwise delegated by the Bishop.

Victims' Assistance Coordinator

The Victims' Assistance Coordinator of the diocese, or the person otherwise delegated by the bishop.



DECREE ON CHILD PROTECTION

INTRODUCTION

Every society esteems its children. In their innocence a society recognizes its own innate goodness and its calling to build a better world. In their incompleteness a society understands that hope for a fuller life and second chances is never extinguished. This is no less true for the Church.

Faithful to the Lord's desire to let the children come to Him, the Church has, from its beginning, initiated children into its sacramental life. It has opened to them the treasure of truth and has striven to form them in gospel values. It has attempted to guide and support parents in their crucial role. Parishes have devoted tremendous energy and resources to the development of their young members, and countless individuals have dedicated themselves to nurturing young Catholics. God has placed those most fit for the Kingdom of God in our hands. We have taken our charge seriously.

The majority of those who minister to children and young people, be they ordained, consecrated, or lay, do an outstanding job in fulfilling their responsibilities of ministry. But there are sometimes exceptions. Both through neglect and active abuse, adults in the community of faith on occasion have inflicted harm upon children instead of having served as channels of life and grace. This is a very serious matter. It is especially so because children and adolescents are not equipped to understand such situations or to defend themselves. It is not the victims alone who suffer. Their families are confused and angry. The offender, who may well suffer from a sickness which cannot easily be controlled, often experiences terrible guilt, and his or her relationship with the community is shattered. Parishes and schools are left hurt, confused and embarrassed. The Church's reputation in the community, and, therefore, its ability to fulfill its mission, is harmed.

Although the abuse of children and adolescents is a reality in our society, such abuse, whether physical, sexual, verbal or emotional whether inflicted by lay or ordained, professionals or volunteers, cannot be tolerated in the Church. The Diocese of Steubenville recognizes the need to address child abuse and attempts to do so through this *Decree*.

The purpose of this *Decree* is two-fold. It is intended first to prevent the abuse of children and adolescents. Prevention can best be achieved by educating children, clerics, employees, parents, and volunteers about the realities of abuse. It can be aided by the screening of adults who aspire to serve the youth of our agencies, parishes, schools and institutions, and through assistance to those who might be inclined toward abuse. The second purpose of this *Decree* is to provide a system for handling incidents of abuse after they occur. The key elements of this system include reporting

the allegation to civil authorities, assessing the allegation, caring for the victim and the victim's family, acting appropriately with regard to the accused person, and attending to the affected local church community.

Clear, firm and effective leadership is essential in insuring that the Church provides a safe environment for children and that allegation of abuse of children are dealt with properly. The Bishop, as the chief shepherd of the Diocese, always bears primary responsibility in this regard. The Vicar General serves as the principal administrator of this Decree and as the Victim Assistance Coordinator. The Diocesan Child Protection Review Board functions as an indispensable consultative body to the Bishop and Vicar General. (cf. Appendix E)

There are a number of principles which underlie the details of this *Decree*:

1. Allegations of child abuse are to be taken seriously.
2. Incidents of abuse are to be handled forthrightly, but with due regard for confidentiality and privacy, especially with regard to the victim.
3. The Diocese will cooperate with the civil authorities responsible for handling incidents of child abuse.
4. A victim should never be held responsible for the abuse.
5. The paramount concern of the Diocese is the well-being of the victim and the victim's family.
6. An accused person has the right to due process, both civilly and canonically.
7. As disciples of Jesus Christ, all persons directly or indirectly involved with incidents of child abuse are to act with honesty, charity and confidence in the Lord's power to forgive and to heal.

Our knowledge of child abuse continues to grow. So does our understanding of how to respond appropriately. Therefore, every five years, commencing with the effective date of this *Decree*, the Review Board established by this *Decree* will evaluate the *Decree* and its implementation. The Review Board will offer to the Bishop recommendations for improving the *Decree* and its implementation.

Questions about this *Decree*, or suggestions for improving this *Decree*, should be addressed to:

Vicar General
Diocese of Steubenville
PO Box 969
Steubenville, OH 43952
Telephone: (740) 282-3631 Fax: (740) 282-3327
E-mail: Under "Contact" on our diocesan webpage

The Website of the Diocese of Steubenville is www.diosteub.org



SECTION I: PREVENTION

The provisions of this section are intended to help ensure that no child is ever abused by an adult. Everyone in the community has a part to play: parents, priests, deacons, educators, youth ministers, youth volunteers, even children themselves and adults who are not directly involved in work with children. In the case of sexual abuse, even if the child is the one who seeks to sexualize the relationship, it is the responsibility of the adult to maintain the boundaries to prevent sexual misconduct.

It is the policy of the Diocese that all clerics, regular volunteers, and employees who work with children must receive an acceptable criminal background check through fingerprinting and attend an orientation workshop on the *Decree on Child Protection*. If a cleric, regular volunteer, or employee has not received an acceptable criminal background check through fingerprinting or has not attended an orientation workshop on the *Decree on Child Protection*, the cleric, regular volunteer or employee is not approved to work with children and may not work with children.

In addition, it is the policy of the Diocese that an Applicant's Certification Form (cf. Appendix B) must be completed by all candidates for ordination, all employees and all regular volunteers before working with children.

A. Education

Everyone needs to be aware of the causes and signs of child abuse, what steps to take to protect children, and what procedures to follow if abuse is suspected or observed.

Clerics, Employees and Regular Volunteers

The clergy of the Diocese and those lay persons employed or engaged as employees or regular volunteers by its offices, agencies, parishes, schools or institutions have an obligation to be knowledgeable about causes and signs of child abuse, what steps to take to protect children, and what procedures to follow if abuse is suspected or observed. Not only are they responsible for the well-being of children on a day-to-day basis, but they are perceived by the community and children as special and trustworthy individuals. Some of the persons in this category have duties mandated by civil law with regard to reporting known or suspected child abuse, about which they must be aware especially.

A.1 Policy –

All clergy, **in writing**, are to acknowledge receipt of the *Decree* and agree to be bound by its terms. All clerics, regular volunteers, and employees who work with children are to be familiar with the existence of this *Decree* and to be knowledgeable about those provisions which apply to them in the position(s) in which they serve the

Diocese. They shall be aware specifically of the obligations for reporting known or suspected child abuse to civil and church authorities, and the consequences of failure to report (cf. Appendix A).

A.2 Policy –

All clerics, regular volunteers and employees who work with children shall attend an orientation workshop on the *Decree*. They are thereafter to attend a workshop on the *Decree* and any matters pertaining to Child and Youth protection on a yearly basis.

A.3 Policy –

All Diocesan programs designed to certify clerics, educators, youth ministers and others who serve children on a regular basis, whether as employees or regular volunteers, must include a segment dealing with child abuse and providing a safe environment for children, including an orientation workshop on the provisions of this *Decree*. Those who develop and sponsor such programs are responsible for the implementation of this Policy.

A.4 Policy –

Due to the sensitive nature of the orientation workshop on the *Decree*, some victims of child abuse may not feel comfortable attending the workshop. Anyone in this particular situation also may request the materials needed for safe environment training in an alternate way. These requests are to be directed to the Vicar General, and are to be kept confidential.

A.5 Recommendation –

Clerics, employees and regular volunteers should learn as much as they can about the causes, forms and symptoms of child abuse through reading, participation in workshops, and staff discussions.

A.6 Recommendation –

Adult volunteers who are not regular volunteers are encouraged to attend an orientation workshop on the *Decree*.

A.7 Recommendation –

Children who volunteer in service to other children, while being supervised by adults in accord with this *Decree*, may participate in an orientation workshop on the *Decree*.

Parents and Children

Parents have an obvious interest in and responsibility for protecting their children from abuse. An understanding of the causes and effects of abuse will assist them in making sound decisions with regard to their children and in recognizing any symptoms of abuse exhibited by their children. Children, too, can help to protect themselves by having a simple, practical appreciation of potential risks and appropriate responses.

A.8 Policy –

Catholic schools, religious education programs, and other youth programs in Catholic agencies, parishes and institutions are to include in their health and sexuality curricula an appropriate discussion of child abuse, bullying, and safe environment training. Programs are to include training for children in practical methods to respond to abuse by adults and by peers.

A.9 Policy –

Parishes, schools and institutions of the Diocese must assist parents with learning about the causes, forms, and symptoms of child abuse, what is necessary to have a safe environment for children, and how to respond to known or suspected abuse by adults and peers. Workshops on the *Decree* are a means to accomplish this.

A.10 Recommendation –

Parents should strive diligently to develop good communication with their children and to alleviate any tensions which may interfere with good communication. Parents should avail themselves of “teachable moments” to discuss with their children in a positive fashion the realities of child abuse.

B. Screening Adults Who Work With Children

Persons who serve our children as clerics, employees, regular volunteers, auxiliary services personnel, or personnel furnished by a third party contractor, contribute much to their spiritual, emotional, intellectual and physical well-being. Responsible supervisors must take due precautions in order to ensure that only those persons who are psychologically and temperamentally suited are chosen to work with children. It is the intention of the Diocese that no person who has been convicted of abusing a child will work with children in an office, agency, parish, school or institution of the Diocese.

B.1 Policy –

The hiring or recruiting agent is to submit all names of applicants to the Chancery who are required to have background checks. He or she is also to request the Bureau of Criminal Investigation (BCI) **and** the Federal Bureau of Investigation (FBI) to conduct a criminal records check (from both agencies) of any person seeking to work with children as an employee or *regular* volunteer at their facility. With regard to applicants for employment, the hiring agent is to speak with all references provided by applicants and to examine and verify the employment history.

Background checks must be performed on adults as follows:

Candidates for ordination

As part of their admission process to the seminary or diaconate formation, candidates for ordination for the Diocese must complete acceptable criminal background checks through fingerprinting in accord with the current policies of the Diocese. A candidate may not be admitted to the seminary or into diaconate formation until acceptable

criminal background checks through fingerprinting have been received. In addition, as part of the admission process, an Applicant's Certification Form (cf. Appendix B) must be completed which is to be submitted to the Vicar General's Office.

Candidates for ordination for other dioceses must complete criminal background checks through fingerprinting in accord with the current policies of the Diocese prior to beginning any field education requirement in the Diocese working with children. The candidate for ordination for another diocese may not have contact with children until acceptable criminal background checks through fingerprinting are completed in accord with the current policies of the Diocese.

Clerics

A cleric must complete acceptable criminal background checks through fingerprinting and may not have contact with children until acceptable criminal background checks through fingerprinting are completed in accord with the current policies of the Diocese. In addition to acceptable criminal background checks through fingerprinting, a cleric who is not incardinated in the Diocese must furnish an acceptable letter of good standing from his ecclesiastical superior to the Vicar General's Office before having contact with children. All clerics must complete both a Bureau of Criminal Investigation (BCI) **and** a Federal Bureau of Investigation (FBI) criminal records check every five years.

Employees

An applicant for employment which involves contact with children in a parish, school or institution of the Diocese must provide the names of three references, two from previous employers and one personal reference. A reference from a close friend or relative is not acceptable. Responsible supervisors are to speak with persons provided by applicants as references to verify employment history.

An applicant for employment which involves contact with children in a parish, school or institution of the Diocese must complete acceptable criminal background checks through fingerprinting in accord with the current policies of the Diocese and may not have contact with children until acceptable background checks through fingerprinting are completed. An applicant may not be hired until acceptable background checks through fingerprinting are completed. All employees must complete both a Bureau of Criminal Investigation (BCI) **and** a Federal Bureau of Investigation (FBI) criminal records check every five years.

Regular Volunteers

A regular volunteer must complete acceptable criminal background checks through fingerprinting in accord with the current policies of the Diocese and may not have contact with children until acceptable background checks through fingerprinting are completed. All regular volunteers must complete both a Bureau of Criminal Investigation (BCI) **and** a Federal Bureau of Investigation (FBI) criminal records check every five years.

Auxiliary Services Personnel

Auxiliary service personnel such as school nurses, psychologists etc., who are government employees or subject to state regulations, are not required to complete criminal background checks through fingerprinting by the Diocese in their capacity as auxiliary services personnel. However, the responsible supervisor shall obtain copies of both a Bureau of Criminal Investigation (BCI) **and** a Federal Bureau of Investigation (FBI) criminal records check every five years, from the employer of auxiliary service personnel. If someone who serves as auxiliary service personnel and also serves in another capacity as a cleric, employee, or regular volunteer, that person is also subject to the provisions of this *Decree* pertaining to the other capacity in which they are serving.

Personnel Furnished by a Third Party Contractor

When a responsible supervisor contracts with a third party contractor for personnel, if the personnel will have contact with children (for example, a gym teacher, a school custodian, or an athletics organization), the responsible supervisor shall obtain copies of both a Bureau of Criminal Investigation (BCI) **and** a Federal Bureau of Investigation (FBI) criminal records check every five years, for personnel furnished by third party contractors. Otherwise, the personnel must complete acceptable criminal background checks through fingerprinting in accord with the current policies of the Diocese. If someone serves an office, agency, parish, school or institution of the Diocese as personnel furnished by a third party contractor, and also serves in another capacity as a cleric, regular volunteer, or employee who has contact with children, that person is subject to the provisions of this *Decree* pertaining to the other capacity in which they are serving.

B.2 Policy –

Every parish and institution of the Diocese is to establish procedures for gathering information and completing the reference checks mentioned above. All of this information is to be retained in a confidential file at the location of employment until five years after employment ends, at which time all application documents are to be destroyed.

B.3 Policy –

Those persons who recruit volunteers to work regularly with children in the agencies, schools, parishes and institutions of the Diocese must exercise caution in selecting volunteers. No one has the right to serve as a volunteer in any particular capacity or any capacity at all.

B.4 Policy –

The Diocesan attorney is to maintain a permanent confidential register of clerics, employees and volunteers who have abused children in conjunction with employment or volunteer involvement at agencies, parishes, schools and institutions of the Diocese.

B.5 Policy –

Prior to allowing a priest or deacon (who is not a cleric as defined in this *Decree*), religious or lay person to engage in a single activity in the Diocese (for example, preaching a mission, giving a talk on Mission Sunday, leading a confirmation retreat, presiding at a wedding or baptism), the responsible supervisor must obtain a letter of good standing from the ecclesiastical superior. A sample letter of good standing is available from the Vicar General.

B.6 Recommendation –

Responsible supervisors are encouraged to speak with persons offered as references by potential regular volunteers to assess suitability for contact with children.

B.7 Recommendation –

Adult volunteers who are not regular volunteers are encouraged to complete an acceptable criminal background check through fingerprinting.

B.8 Recommendation –

Any hiring or recruiting agent who suspects that an employee or volunteer should have an FBI check or a BCI check completed more frequently than once every five years, even though this is not required by the *Decree*, should require, of his or her own accord, that additional FBI and BCI background checks be performed.

C. Contact with Children

Those persons entrusted with the care of children under the *Decree* devote much attention to planning and executing activities which are beneficial to children. At the same time, they must be vigilant to guard against actual or potential situations which can inflict harm, or which even give rise to suspicions of potential abuse.

C.1 Policy –

Except when civil law explicitly permits certain persons (for example, licensed social workers) to counsel children without parental consent, a child may receive on-going (more than once) individual instruction or counseling from a cleric, employee or regular volunteer only with the written consent of the child's parent or guardian. This prohibition shall not apply in an emergency context.

C.2 Policy –

A child may participate in an organized program sponsored by a parish or institution of the Diocese only with the written consent of the child's parent or guardian. Such consent should provide for emergency care of the child, as warranted by the program or activity.

C.3 Policy –

At least two adults must be present for any activity for children sponsored by an agency, parish, school or institution of the Diocese.

- a. Moreover, the number and gender of the adults is to be in proportion to the age, number, and gender of the participants, and the duration and difficulty of the activity.

- b. Whenever possible, one of the adults should be a parent or guardian of a participant.
- c. Exceptions for the C.3 Policy are only allowed for the Sacrament of Penance, regular day-school, or religion classes conducted on the grounds of the parish or institution, providing transportation for a school or parish sponsored activity (for which there **must** be more than one student passenger), and if for unanticipated reasons, only one adult can actually be present for an activity which is not overnight.
- d. For purposes of this C.3 Policy, “adult” excludes 18 and 19 year olds not yet graduated from high school.

The C.3 Policy must be adhered to strictly for any overnight activity; otherwise said activity is to be cancelled.

C.4 Policy –

No child may be disciplined corporally or corrected with demeaning language.

C.5 Policy –

A cleric, employee, or regular volunteer must obtain the written consent of the child’s parent or guardian before inviting or allowing a child to visit in the adult’s home. In the event that the adult has little or no advance notice of the visit and another adult is present, such consent is not required.

C.6 Policy –

No child may visit overnight in a rectory (or other residence of a diocesan priest), or stay overnight with a diocesan priest in any other place, unless in the company of his or her parent or guardian. (An exception can be made when the child is a close relative of the priest, but even this is discouraged.)

C.7 Policy –

Pastors, principals, directors/coordinators/associates of religious education and other administrators are to ensure that the policies of schools, religious education programs, athletic and scouting groups, and the like provide for the implementation of the first four policies listed above, including the definition of responsibility for enforcement (cf. D.3).

C.8 Policy –

Clerics, employees and regular volunteers will use prudence when communicating with a child, including, but not limited to, written communications, the Internet, online services, e-mails, instant messaging, online bulletin boards, social networking sites, text messaging, pod casts, blogs, telephones, including cell phones, or chat areas. Appropriate and ethical communication boundaries in ministry will be observed. Any form of communication that is intended to manipulate inappropriately a child or incorporates suggestive language, suggestive photos, sexual innuendo, inappropriate

personal self-disclosure, etc. is forbidden. Further clarification on these matters shall be obtained by reviewing the diocesan guidelines for *Appropriate Boundaries when ministering to or working with Minors*.

D. Preventative Intervention

Policies cannot in themselves always restrain an adult from abusing children. Thus, adults bear responsibility to assist one another in avoiding abuse. Those at risk of abusing children must seek assistance to avoid behavior which may place a child at risk.

D.1 Policy –

Any cleric, employee, or regular volunteer who observes another cleric, employee, or volunteer behaving in a manner which may pose a potential risk to a child is to report the matter in confidence to the proper superior or supervisor without delay.

D.2 Policy –

The proper superior or supervisor is to deal expeditiously with any situation of potential risk brought to his or her attention. If a serious potential risk is not resolved satisfactorily, the superior or supervisor must take appropriate action, with due regard for personnel policies and due process.

D.3 Policy –

The administrators of agencies, parishes, schools, and institutions of the Diocese are responsible for the enforcement of the *Decree* at his or her location.

D.4 Recommendation –

A parent, guardian or any adult who observes a cleric, employee or volunteer behaving in a manner which may pose a potential risk to a child is advised to call the matter to the attention of that adult. This may involve

- calling attention to circumstances which are inappropriate, even though not in themselves abusive
- reminding the person of particular provisions of this *Decree*
- challenging the person who may be guilty of affronts to a child that are not actually abuse.

Any adult should not hesitate to report concerns to the proper superior or supervisor, when warranted.



SECTION II: RESPONSE

If the steps outlined in the Prevention section of this Decree are followed, many potential instances of child abuse will be eliminated. Nevertheless, some instances might occur or be alleged. In these cases the church community, under the leadership of the Bishop and its other pastors and administrators, must respond expeditiously and with compassion and care to the victim and the victim's family, to the local church community affected, to the larger community, and to the accused person. The primary objectives of this response are personal and communal healing and the prevention of any further abuse.

People involved directly or indirectly in incidents of child abuse, indeed, even the general public, look to the Bishop for personal pastoral care for victims and their families, for public statements, when appropriate, and for a consistent application of Diocesan policies.

Another important element of the response is a Response Team, whose task is to formulate specific plans for individual cases. The Response Team is intended to ensure a high degree of objectivity in determining an appropriate response.

In accord with Article 7 of the *Charter for the Protection of Children and Young People* revised by the United States Conference of Catholic Bishops in 2005, the Diocese will be open and transparent in communicating with the public about the sexual abuse of children while remaining concerned for the privacy and reputations of those involved. This pertains especially to informing parish and other church communities directly affected by ministerial misconduct involving children.

Everything that follows in this section on Response has the weight of policy. The principles provided in the Introduction of this *Decree* are to guide those managing the response.

A. Initial Tasks

Section 1 below applies to all allegations and cases of actual or suspected child abuse regardless of who the accused person is. Sections 2 through 7 also apply when the accused person is a cleric, employee, or volunteer of the Diocese.

If the alleged victim is an adult when the allegation is brought to the Diocese, and the accused person is deceased, the procedures specified below may be modified to serve the best interests of the alleged victim.

1. Reporting to Civil Authorities

The Diocese will comply with all applicable civil laws with respect to reporting allegations of known or suspected sexual abuse of children to civil authorities. The full cooperation of the Diocese will be offered.

Because of the serious nature of child abuse, the law imposes obligations on many, and affords protection for all, in the reporting of known or suspected child abuse. It is the expectation that all who are subject to the *Decree* shall promptly alert the civil authorities and cooperate with them in good faith whenever there are allegations of child abuse, or acts of child abuse are known or suspected, unless to do so would violate a sacred trust (i.e. Sacrament of Penance) or an established legal privilege. The report is to be made to civil authorities without preliminary screening, investigation, or judgment by the person who is mandated by law to make the report.

Ohio law *requires* all individuals acting in an official or professional capacity to immediately report any actual or suspected act of child abuse to the public children's service agency or to local law enforcement where the child resides or where the abuse is occurring. (Ohio Revised Code §2151.421). Failure to do so is a misdemeanor and can result in prosecution. Any other citizen may report such behavior to the authorities. In either case, a person participating in good faith in making such a report is immune from both civil and criminal liability.

Many acts of child abuse are felonies. Ohio law requires everyone who knows that a felony has been or is being committed to report that information to law enforcement authorities. (Ohio Revised Code § 2921.22) There are certain exceptions to this requirement. Thus, those who learn of such information through a privileged communication (see Appendix A) are not required to disclose information obtained through such communications.

All clerics, employees, and regular volunteers of the Diocese are to be familiar with the provisions of both Ohio Revised Code § 2151.421 and § 2921.22 (see Appendix A). In situations where there may be questions about duty to report, the Vicar General should be consulted promptly.

An allegation of child abuse which is made by someone who chooses to remain anonymous must be reported to the civil authorities in the same way as an allegation made by someone who chooses not to remain anonymous.

2. Reporting to the Diocese

a. Any cleric, employee, or regular volunteer (except licensed counselors, psychologists or social workers when their knowledge is protected by legal privilege and priests when their knowledge is protected by the seal of Confession), whether obligated by state law to report to the civil authorities or not, who witnesses an act of child abuse perpetrated by another cleric,

employee or volunteer or suspects that such an act has occurred or receives a report of such an act, must report the incident immediately to the Vicar General.¹ If the Vicar General is not available, the report is to be made to the Diocesan Attorney; if the Diocesan Attorney is not available, the report is to be made to the Episcopal Vicar for Pastoral Planning and Personnel.² If the incident takes place within the context of a Catholic school, it shall also be reported to the Superintendent of Catholic Schools. The Diocesan Attorney and the Episcopal Vicar for Pastoral Planning and Personnel, or the Superintendent, are to inform the Vicar General of any report that has been made.

b. Other persons who know or suspect that a child has been abused by an agent of the Diocese are encouraged to report the incident to the Vicar General unless to do so would violate a sacred trust (i.e. Sacrament of Penance) or an established legal privilege. If the Vicar General is not available, the report is to be made to the Diocesan Attorney. The Diocesan Attorney is to inform the Vicar General of any report that has been made.

c. A person who wants to make a report of sexual abuse of a child by an agent of the Diocese, no matter how long ago the sexual abuse occurred, is encouraged to contact to the Vicar General unless to do so would violate a sacred trust (i.e. Sacrament of Penance) or an established legal privilege.

d. The reported incident of child abuse will be promptly reported by the Vicar General to the appropriate civil authority if it has not already been reported. The full cooperation of the Diocese will be offered. A report will be made to the civil authorities even if the person wishes to remain anonymous. The person making the report of child abuse to the Diocese may also personally report the incident to the appropriate civil authorities.

e. If the Vicar General believes that legal advice or direction is warranted, the Vicar General will arrange for consultation by the Diocesan Attorney with the Bishop, the Director of Communications, the insurance administrator, and any other affected officer or local responsible supervisor of the Diocese with respect to any incident or allegation which has been reported.

¹ The Bishop is free, with appropriate public notice, to appoint another qualified Diocesan official to fulfill some or all of the duties of the Vicar General described in this Decree, should the Bishop judge that the objectives of this Decree would be better served.

² The Diocesan Attorney or the Episcopal Vicar for Pastoral Planning and Personnel will continue to fulfill the duties of the Vicar General outlined below until the Vicar General is able to assume those duties.

f. **If the accused person is a priest or deacon, the case will be handled in accord with the *Essential Norms for Diocesan/Eparchial Policies Dealing with the Allegation of Sexual Abuse of Minors by Priests or Deacons* (cf. Appendix F).**

If the accused person is not a priest or deacon, the case will be handled in accord with the diocesan *Action Plan for when a Catholic Parish/School Lay employee/volunteer has been accused of child abuse* (cf. Appendix H).

g. If the charges have at least the **semblance of truth** (even if not proven conclusively), steps 3, 4/5, 6, and 7 below are to be implemented immediately.

3. Immediate Pastoral Response to a Victim

Whenever abuse occurs or is alleged, the victim and the victim's family experience shock and anger. It is essential that effective, immediate and compassionate care be provided to these individuals until the procedures outlined below are completed. Ordinarily, responsibility for this care will fall to those on the local level, typically the victim's Pastor, and will continue until the Response Team's plans are implemented. When necessary, the local Dean should see to this care when so requested by the Vicar General or the Pastor of the affected parish. The Diocese will cooperate with the civil agency or agencies which are investigating and responding to the reported incident.

4. Immediate Action Regarding Accused Clergy Where the Accusation of Child Abuse Has the Semblance of Truth (in addition to Section II.A.2.f above)

If the accused is a priest, in addition to being placed on a leave of absence, temporary residence at a distance from the current assignment and without contact with children is to be arranged.

Any accused priest or deacon should be encouraged to seek and may be urged to voluntarily comply with, an appropriate medical and psychological evaluation. Someone from the Diocesan central offices may assist with scheduling the medical and psychological evaluation. All of these actions are to be approved by the Bishop.

- a. The Bishop or the Vicar General, or another person designated by the Bishop, will notify the local church community that an allegation has been made. Care is to be taken to avoid defamation of the character of the accused priest or deacon.
- b. An accused priest or deacon shall be responsible for obtaining his own legal counsel as well as canonical counsel.
- c. Provided there is enough proof, the Vicar General will direct the Diocesan attorney to place the name of the accused priest or deacon on the register

mentioned in the B.4 Policy of the Prevention section of this *Decree*.

5. Immediate Action Regarding an Accused Lay Person Where the Accusation of Child Abuse Has the Semblance of Truth (in addition to Section II.A.2.f above – cf. Appendix H.)

- a. The Vicar General will direct the accused person’s supervisor to place the person on a leave of absence from any official duties pending the final resolution of the matter. Regular salary and benefits are to be provided. The accused person’s permanent status should be resolved as soon as possible, pending any criminal proceedings and the long-term response plan of the Response Team (cf. Appendix D).
- b. Care is to be taken to avoid defamation of the character of the accused person.
- c. The accused person should seek his or her own legal counsel.
- d. Provided there is enough proof, the Vicar General will direct the Diocesan attorney to place the name of the accused lay person on the register mentioned in the B.4 Policy of the Prevention section of this *Decree*.

6. Investigating

It shall be the responsibility of the Vicar General, or a person delegated by the Bishop or the Vicar General, to ensure that the incident is investigated quickly.

a. **If the accused is a priest or deacon:** The investigation is to be coordinated with, and must not interfere with, any civil investigation and is to include, whenever possible, interviews with the alleged victim, the victim’s parents or guardians, the person making the report, the accused person and any other person who may have knowledge about the situation. This investigation is not intended to uncover all other possible cases of abuse perpetrated by the accused person; that aspect of the investigation is left properly to the civil authorities. These investigations will be conducted with due regard for confidentiality and privacy, and concern for the good name of those involved. Care will always be taken to protect the rights of all those involved, particularly those of the person making the report, the alleged victim, and the accused person.

If after an investigation it is concluded that the charges of child abuse are unsubstantiated, the original copy of the investigation report is to be placed in a confidential file in the Chancery. All other copies are to be destroyed. Should the Vicar General learn later that the civil authorities have substantiated the charge or if new evidence is uncovered, then the case is to be reopened, and steps 4 (above) and 7 (below) are to be implemented immediately.

b. **If the accused is a layperson:** The Vicar General shall rely upon civil authorities (Job and Family Services, the County Children Services Board, or Law Enforcement) to investigate all alleged incidents of child abuse when the accused is a layperson. Should the civil authorities choose not to conduct an investigation; the Vicar General will take steps to ensure that an investigation is conducted by an objective third party.

The Parish or Catholic School shall cooperate fully with the appropriate authorities involved in the investigation. However, written documentation or records of any kind (including contact information) shall not be provided to these authorities unless this information has been requested through a subpoena.

Once the investigation has been concluded: **If the allegation has NOT been substantiated**, the Vicar General shall make a determination to permit the employee or volunteer to return to work or service, or if it is in the best interests of the Church to terminate employment or volunteer services. **If the allegation has been substantiated**, the Parish or Catholic school shall terminate employment or volunteer services immediately. The Pastor or Principal shall give this notification in writing, forwarding a copy to the Vicar General.

With the conclusion of the investigation, no proactive formal or public statement shall be made in order to insure the privacy of all parties involved. (cf. Appendix H for further clarification).

c. The Vicar General will prepare a written report or summary of the investigation to be distributed to the Bishop and to those other persons the Vicar General determines should receive it. He will also provide an oral report to the Diocesan Child Protection Review Board.

7. Formation of Response Team

a. From a list of qualified persons, maintained for this purpose by the Vicar General, the Vicar General will convene a Response Team comprised of the following:

- 1) The Vicar General;
- 2) A licensed professional clinical counselor, a licensed social worker with experience in dealing with child abuse, or a licensed psychologist or psychiatrist with experience in dealing with child abuse;
- 3) A person with qualifications relating to the specific circumstances of the case, for example, a principal, if a school community is most

directly affected.

- b. The Response Team is to meet within one week after the accused person has been placed on a leave of absence. The Response Team tasks are listed in Appendix D.
- c. The Vicar General will serve as the chairperson of the Response Team. Any of the Response Team members may contact the Bishop or civil authorities about the case.
- d. The Team will disband upon the completion of the tasks delineated in Appendix D.

B. On-going Tasks

1. Central Office Tasks

The Bishop, the Response Team and the Vicar General will bear the major responsibility for the Diocese's response to incidents of child abuse, as outlined above and in Appendix D. However, others can provide valuable assistance with the response.

a. Personnel Management

The Vicar General, the Episcopal Vicar for Pastoral Planning and Personnel and other offices of the Diocese, which assist agency, parish, school, and institution personnel in their daily responsibilities, are to offer guidance to these personnel in their responses to incidents of child abuse, in accord with this *Decree*.

b. Media Relations

There is benefit to a forthright and honest presentation of the Church's attempt to provide a suitable response to incidents and allegations of child abuse within the Church. It is the task of the Director of Communications to serve as the official public spokesperson for the Diocese, its personnel, personnel at agencies parishes, schools and institutions, and the Response Team, and to assist these people in responding to inquiries from the media. For clear communications, all media inquiries are to be referred immediately to the Director of Communications. All responses and statements to the media will be guided by the principles which underlie this Decree (cf. Introduction).

c. Legal Actions

When instances of child abuse lead to legal actions, the rightful claims of victims/survivors, the protection of the Diocese and the legal rights of the accused person must be carefully balanced. All personnel of the Diocese and personnel at agencies, parishes, schools and institutions will cooperate with the civil authorities in their investigations, always notifying the Vicar

General of these contacts. The Vicar General bears exclusive responsibility (subject to the authority of the Bishop) for advising the personnel of the Diocese, personnel at agencies, parishes, schools and institutions and the Response Team, in this regard, always with the assistance of qualified attorneys. The Vicar General also bears responsibility for advising the Bishop in the event that canonical procedures are warranted. Normally, the Diocese will not provide legal counsel for accused persons.

d. Retention of Records

Once implementation of the Response Team's long-term response plan has begun, the Vicar General will place a dossier in a confidential file of the Chancery under the name of the accused person. The dossier will include the Vicar General's investigation report, the short-term response plan, the long-term response plan and any other pertinent documents. Records will be retained in accord with the norms of civil law and canon law.

2. Local Tasks

The leaders of the agencies, parishes, schools and institutions of the Diocese, especially priests, deacons and professional staff, occupy a critical position in the response to incidents of child abuse and allegations of child abuse. It is they who know the victims, their families and the local church communities. It is they who can offer a particularly effective ministry of healing, both short-term and long-term. It is the task of pastors, principals, directors/coordinators/associates of religious education and other administrators to see that the provisions of this *Decree* with regard to the response to child abuse are implemented fully and carefully on the local level. It is also incumbent upon these persons and those who work with them to uphold the values enunciated in this *Decree*, to listen well, and to provide concrete means for healing. They are to be especially attentive to the pastoral needs of victims and their families.

At the same time, local leaders must recognize that their community is part of a larger church family. Thus, they must look to the Response Team and appropriate officials of the Diocese for guidance and direction and stand ready to offer advice to these persons. Specifically, all contact with the media is to be arranged through the Office of Communications.

In the end, a collaborative effort among leaders of agencies, parishes, schools and institutions, the Response Team and Diocesan officials, and openness on the part of all involved, will lead to the most effective response to cases of child abuse and allegations of child abuse. Such a response will itself be a powerful means for preventing future cases



APPENDIX A

OHIO REVISED CODE

The Ohio Revised Code states the obligations for reporting known or suspected child abuse to civil authorities and the consequences of failure to report. Included in Appendix A are sections of the Ohio Revised Code with an effective date through January 1, 2008. Any revisions to the Ohio Revised Code after January 1, 2008 must be adhered to.

[§2151.42.1] §2151.421 Duty to report child abuse or neglect; investigation and follow-up procedures.

(A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp or child day camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; superintendent, board member, or employee of a county board of mental retardation; investigative agent contracted with by a county board of mental retardation; employee of the department of mental retardation and developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the

Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a

leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a municipal or county peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(F)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(H)(1) Except as provided in divisions (H)(4) and (M) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the

request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(I) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(J)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the following:

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of

requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

- (a) Whether the agency or center has initiated an investigation of the report;
- (b) Whether the agency or center is continuing to investigate the report;
- (c) Whether the agency or center is otherwise involved with the child who is the subject of the report;
- (d) The general status of the health and safety of the child who is the subject of the report;
- (e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in

ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(M)(1) As used in this division:

(a) “Out-of-home care” includes a non-chartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the non-chartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) “Administrator, director, or other chief administrative officer” means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

§2921.22 Failure to report a crime or knowledge of a death or burn injury.

(A) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(B) Except for conditions that are within the scope of division (E) of this section, no physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the physician, limited practitioner, nurse, or person, or any serious physical harm to persons that the physician, limited practitioner, nurse, or person knows or has reasonable cause to believe resulted from an offense of violence.

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.

(D) No person shall fail to provide upon request of the person to whom a report required by division (C) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(E)(1) As used in this division, "burn injury" means any of the following:

(a) Second or third degree burns;

(b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;

(c) Any burn injury or wound that may result in death;

(d) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by section 3743.01 of the Revised Code.

(2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there

is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (E)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the state fire marshal. The report shall comply with the uniform standard developed by the state fire marshal pursuant to division (A)(15) of section 3737.22 of the Revised Code.

(5) Anyone participating in the making of reports under division (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding section 4731.22 of the Revised Code, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under division (E) of this section.

(F)(1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, professional clinical counselor, or professional counselor who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in section 3113.31 of the Revised Code, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding section 4731.22 of the Revised Code, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under division (F)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(G) Divisions (A) and (D) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under section 2739.04 or 2739.12 of the Revised Code.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or organization certified pursuant to section 3793.06 of the Revised Code.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of section 2907.02 or 2907.05 of the Revised Code or to victims of felonious sexual penetration in violation of former section 2907.12 of the Revised Code. As used in this division, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.

(H) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(I) Whoever violates division (A) or (B) of this section is guilty of failure to report a crime. Violation of division (A) of this section is a misdemeanor of the fourth degree. Violation of division (B) of this section is a misdemeanor of the second degree.

(J) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(K)(1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree.



APPENDIX B
Diocese of Steubenville
FORM

APPLICANT’S CERTIFICATION

This Certification must be signed by every applicant eighteen years of age or older for employment in a position which involves contact with children with the Diocese of Steubenville.

I hereby attest and certify that I have never been convicted of nor pled guilty to: endangering children, including child abuse, in violation of Ohio Revised Code Section 2919.22; contributing to the unruliness or delinquency of a child, in violation of Ohio Revised Code Section 2919.24; rape, in violation of Ohio Revised Code Section 2907.02; sexual battery, in violation of Ohio Revised Code Section 2907.03; unlawful sexual conduct with a minor, in violation of Ohio Revised Code Section 2907.04; gross sexual imposition, in violation of Ohio Revised Code Section 2907.05; sexual imposition, in violation of section Ohio Revised Code Section 2907.06; importuning, in violation of Ohio Revised Code Section 2907.07; voyeurism, in violation of Ohio Revised Code Section 2907.08; public indecency, in violation of Ohio Revised Code Section 2907.09; any offense of violence; trafficking in drugs, concealed weapons, domestic violence or any other violation listed in section 109.572 of the Ohio Revised Code. (If you have been convicted of or pled guilty to any of the above offenses and wish to explain the circumstances thereof, please do so on a separate sheet.) I further certify that I have never been discharged from employment or a volunteer position because of any activity covered by the foregoing statutes.

I hereby authorize any present or former employer, person, firm, corporation, physician, or government agency to answer any and all questions and to release or provide any information within their knowledge or records, and I agree to hold any and all of them harmless and free of any liability for releasing any truthful information that is within their knowledge and records. I further authorize the Diocese of Steubenville to conduct background checks of my police criminal records and agree that I will fully cooperate in providing all information and signing all documents necessary to conduct such checks.

I hereby attest and certify that the above information provided by me is true and correct to the best of my knowledge. I understand that misrepresentations or omissions may disqualify my application or result in my immediate dismissal if I am already employed.

Signature of Applicant

Date

Institution Name

Witness



APPENDIX C

Checklist for Hiring Employees Having Contact with Children and Complying with the *Decree on Child Protection*

1. References from three sources must be given by the applicant: two from previous employers and one personal reference. A reference from a close friend or relative is not acceptable.
2. The responsible supervisor is to speak with persons offered as references and verify employment history.
3. The applicant must complete acceptable criminal background checks through fingerprinting in accord with the current policies of the Diocese and may not have contact with children until acceptable background checks through fingerprinting are completed. The supervisor is to send the name(s) of the applicant(s) to the chancery prior to the background checks.
4. The applicant must complete the Applicant's Certification Form (cf. Appendix B).
5. The applicant's name will be submitted to the Vicar General's Office for verification that his or her name is not listed on the register noted in the B.4 Policy.
6. The applicant must attend an annual orientation workshop on the *Decree on Child Protection* and *The Safe Environment Program*.

Checklist for Engaging Regular Volunteers and Complying with the *Decree on Child Protection*

1. The potential regular volunteer must complete acceptable criminal background checks through fingerprinting in accord with the current policies of the Diocese and may not have contact with children until acceptable background checks through fingerprinting are completed. The supervisor is to send the name(s) of the potential regular volunteer(s) to the chancery prior to the background checks.
2. The potential regular volunteer must complete the Applicant's Certification Form (cf. Appendix B).
3. The potential regular volunteer's name will be submitted to the Vicar General's Office for verification that his or her name is not listed on the register noted in the B.4 Policy.
4. The potential regular volunteer must attend an annual orientation workshop on the *Decree on Child Protection* and *The Safe Environment Program*.
5. The responsible supervisor is encouraged to contact persons offered as references by the potential regular volunteer.



APPENDIX D

RESPONSE TEAM TASKS

1. Preliminary Plan of Action

- a. At its initial meeting, the Response Team is to review pertinent information known to the Vicar General to date, assess the nature of the case and agree upon a preliminary plan of action.
- b. The preliminary plan of action may involve making personal contact with the victim and victim's parents or guardians, with the leadership of the local church community, and with the accused person.
- c. This work of the Response Team will be coordinated with the efforts of the civil authorities through the Vicar General. The Vicar General will also regularly consult with the Archdiocesan attorney and apprise the Office of Communications of relevant information concerning the Response Team's work.

2. Short-Term Response

- a. Within two weeks of its initial meeting the Response Team is to meet to review the information gathered during implementation of the preliminary plan of action and to develop a plan for a short-term response. The short-term response plan will include the following elements:
 - 1) addressing the needs of the victim and victim's family (for example, psychological evaluation, medical treatment, spiritual assistance, immediate demands upon the Diocese or the accused person, continued contact with the Response Team);
 - 2) addressing the needs of the local church community (for example, public disclosure of the matter, group counseling);
 - 3) addressing the needs of the civil authorities dealing with the case;
 - 4) addressing the needs of the accused person.
- b. The Response Team is to report to the bishop its plan for a short-term response and the implementation of the response, including the assignment of responsibilities.
- c. The Vicar General will communicate responsibilities assigned in the plan to specific central office, parish, school, agency or institution personnel. Compliance by these persons is required. The Response Team will implement any responsibilities it has assigned to itself.

- d. Members of the Response Team are to confer regularly during the implementation of the short-term response plan, making adjustments to the plan as needed. The Vicar General will confer regularly with central office, parish, school, agency or institution personnel regarding their responsibilities under the plan.

3. **Long-Term Response**

- a. As the short-term response plan reaches full implementation, the Response Team may meet to review the case and to develop a plan for a long-term response. The long-term response plan is to include the following elements:
 - 1) addressing the needs of the victim and victim's family;
 - 2) addressing the needs of the local church community;
 - 3) addressing the needs of the Diocese;
 - 4) addressing the needs of the accused person (for example, therapy, future role in Church life, public disclosure at any future assignments).
- b. The plan and the implementation of the response, including the assignment of responsibilities, are to be communicated to the Bishop.
- c. The Vicar General will communicate responsibilities assigned in the plan to specific central office, parish, school, agency or institution personnel. Compliance by those persons is required. The Response Team will implement any responsibilities it has assigned to itself.
- d. The Response Team and other appropriate persons will continue to meet as needed to monitor, evaluate and adjust implementation of the long-term response plan. They will meet until such time as the members of the Response Team determine that such meetings are no longer important for effective implementation of the long-term response plan.

4. **Related Issues**

- a. **Clientele**

The Response Team principally serves the Diocese in its attempt to provide a proper response to incidents of child abuse. As such, the Team is an official organ of the Diocese and operates under its auspices but in complete cooperation with civil authorities.
- b. **Confidentiality**

The proper response to an incident of child abuse will ordinarily involve the sharing of information among a number of people. Whenever the greater good is served — bearing in mind the priority of the victim's well-being — the members of the Response Team may function as a conduit of information among the various persons involved in the incident. Ordinarily, the internal deliberations of the Response Team are to remain confidential. Usually, communication between the Response Team and the civil authorities, if any, will be handled by the Vicar General. Response Team members are always free to contact the civil authorities or the Bishop about a case. The Response Team should determine who besides the Bishop and the Director of Communications should receive a copy of the

short-term and long-term plans.

c. **Reimbursement**

The working hours of the Response Team members are reimbursable by the Diocese according to standard rates for their respective professions. Out-of-pocket expenses are also reimbursable. Other expenses must receive prior approval from the Vicar General. The Chancery staff will provide secretarial support to the Response Team.

d. **Psychological Services**

In some cases the victim, members of the victim's family or the local church community affected by an act of abuse may require the assistance of mental health or social service professionals. Typically the short-term response plan will provide for evaluative counseling and the long-term response plan for any continuing assistance, as needed. When such assistance is called for in either the short-term response plan or in the long-term response plan, the Diocese stands ready to assume any associated costs, as part of its healing ministry, if those costs are not covered by insurance. Such assistance will be provided through some counselor, therapist, support group, etc., mutually agreed upon by the victim and the Diocese.

e. **Other Professionals**

The Response Team may enlist the services of the diocesan legal counsel as they pursue their tasks, after consulting with the Vicar General. This is also true of other professionals whose assistance the Response Team may need. Such attorneys or other professionals will be viewed as serving the Diocese, not the accused or the victim. Any fees will be paid by the Diocese.



APPENDIX E

DIOCESAN CHILD PROTECTION REVIEW BOARD

A Diocesan Review Board is required by the policies of the United States Conference of Catholic Bishops. Currently, these policies are found in the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

The Review Board, established by the Bishop, will function as a confidential consultative body to the Bishop. The Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Review Board members will be lay persons, none of whom are in the employ of the Diocese. At least one member should have particular expertise in the treatment of the sexual abuse of children. At least one member should be a priest who is an experienced and respected pastor. The members will be appointed for a five-year term, which can be renewed. A member may be appointed to a partial term. The terms of all the members expire on the same day.

The Vicar General will serve as *ex officio* members of the Review Board. An *Ex officio* member is not permitted to vote on a recommendation given to the Bishop or to serve as the Chairperson of the Review Board.

The Review Board will advise the Bishop in his assessment of allegations of abuse of children by clerics, employees, and volunteers, and in his determination of suitability of ministry for such persons. The Review Board will offer advice on all aspects of cases of sexual abuse of children, whether retrospectively or prospectively. The Review Board may review active cases and reassess old cases as needed. The Review Board will regularly review policies and procedures for dealing with the abuse of children. The Review Board will assist the Vicar General with the implementation of the Response section of this *Decree*.

The fiscal year of the Review Board shall be from July 1 through June 30. The Board will meet at least twice a year. At the first meeting of the fiscal year, the Review Board members shall designate a Chairperson. If the Chairperson is not present at a meeting, the members present shall designate a member to serve as the Chairperson for that meeting. The Bishop or Vicar General may also call on members of the Board at any time, individually or collectively, for advice. Every five years the Review Board will offer to the Bishop recommendations for improving this *Decree* and its implementation.

All deliberations of the Review Board as a whole or of its members individually are to be maintained in strict confidentiality. The reputation and privacy of the individuals

involved will be upheld. The names of victims/survivors shall be disclosed to Review Board members only if absolutely necessary.

Formal recommendations to the Bishop will be in writing. The Chairperson will sign such recommendation in the name of the whole Review Board. If the recommendation is not unanimous, the number of votes for, against, and abstaining will be disclosed to the Bishop.

The Vicar General is responsible for presenting the cases to the Review Board. The members of the Review Board may request that the Promoter of Justice of the Diocese (the person holding this office, or in some cases, a special Promoter for a particular situation) review the files related to a specific situation and offer a perspective about the facts and whether or not the Vicar General has presented a factual account of the situation.

It is not expected that the Review Board will ever meet in person with an accuser, the accused, or a victim/survivor. Such contact is the proper task of the person delegated by the Bishop to perform the investigation.

A member of the Review Board who has concerns about a situation that he or she thinks should be brought to the Review Board should write to the Bishop to be sure the situation has been handled appropriately. Review Board members are always free to contact the civil authorities about cases.



APPENDIX F

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Essential Norms for Diocesan/ Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons

Office of the President

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202-541-3100 • FAX 202-541-3166

Most Reverend William S. Skylstad, DD

Bishop of Spokane

May 5, 2006

THE UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

DECREE OF PROMULGATION

On November 13, 2002, the members of the United States Conference of Catholic Bishops approved as particular law the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Following the grant of the required *recognitio* by the Congregation for Bishops on December 8, 2002, the *Essential Norms* were promulgated by the President of the same Conference on December 12, 2002.

Thereafter, on June 17, 2005, the members of the United States Conference of Catholic Bishops approved a revised text of the *Essential Norms*. By a decree dated January 1, 2006, and signed by His Eminence, Giovanni Battista Cardinal Re, Prefect of the Congregation for Bishops, and His Excellency, the Most Reverend Francesco Monterisi, Secretary of the same Congregation, the *recognitio* originally granted to the *Essential Norms* of 2002 was extended to the revised version *donec aliter provideatur*.

As President of the United States Conference of Catholic Bishops, I therefore decree the promulgation of the *Essential Norms* of June 17, 2005. These *Norms* shall obtain force on May 15, 2006, and so shall from that day bind as particular law all Dioceses and Eparchies of the United States Conference of Catholic Bishops.

Most Reverend William S. Skylstad
Bishop of Spokane
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary

Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.¹ These norms are complementary to the universal law of the Church and are to be interpreted in accordance with that law. The Church has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 §1 (*Sacramentorum sanctitatis tutela*, article 6 §1).²

Norms

1. These Essential Norms have been granted *recognitio* by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.³
2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.

4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include

- a.** advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
- b.** reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
- c.** offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.⁴

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (SST, Art. 6; CIC, c. 1395 §2; CCEO, c. 1453 §1).⁵

- a. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch to proceed (Article 13, “Procedural Norms” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.
- b. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.⁶ Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.⁷

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person’s right to make a report to public authorities.⁸

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Notes

- 1 These Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.
- 2 If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.
- 3 Due regard must be given to the proper legislative authority of each Eastern Catholic Church.
- 4 Article 19 *Sacramentorum sanctitatis tutela states*, “With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those measures which are established in can. 1722 of the Code of Canon Law, or in can. 1473 of the Code of Canons of the Eastern Churches, the respective presiding judge may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.”
- 5 For purposes of these Norms, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:
 - §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:
 - 1º the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase “ecclesiastical ministry,” by clerical members of institutes of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

- 6 Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1°-2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, and 1389-1396.
- 7 The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):
- a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).
 - b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974- 977, 1389-1396).
 - c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).
 - d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
 - e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1-1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

- 8 The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

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APPENDIX G

RESOURCES: COUNTY CHILDREN'S PROTECTIVE SERVICES Contact Numbers to Report Allegations of Child Abuse

Athens County Children Services Board	740.592.3061
Belmont Count Dept. of Jobs & Family Services	740.695.1074
Carroll County Dept. of Jobs & Family Services	330.627.7313
Gallia County Children Services Board	740.446.4963
Guernsey County Children Services Board	740.439.5555
Harrison County Dept. of Jobs & Family Services	740.942.2171
Jefferson County Dept. of Jobs & Family Services	740.264.5515
Lawrence County Dept. of Jobs & Family Services	740.532.3324
Meigs County Dept. of Jobs & Family Services	740.992.2117
Monroe County Dept. of Jobs & Family Services	740.472.1602
Morgan County Dept. of Jobs & Family Services	740.962.3838
Noble County Dept. of Jobs & Family Services	740.732.2392
Washington County Children Services Board	740.373.3485



APPENDIX H

Action Plan for when a Catholic Parish/School Lay employee/volunteer has been accused of child abuse.

Immediate steps:

1. Notify the county office for Job and Family Services and Law Enforcement, the parents of the alleged victim, the Vicar General, and the Director of Christian Formation and Schools (and in a case involving a school, the Pastoral Administrator shall be notified as well). This should be done as soon as possible. The Parish or Catholic school shall send a FAX confirmation of the verbal notification to Jobs and Family Services and Law Enforcement.
2. The Pastor/Principal conducts an initial inquiry, to gather as much information as possible: who, what, why, when, where and how?
3. Pending the initial fact gathering inquiry, a decision is made in consultation with the Vicar General, Director of Christian Formation and Schools, and the Diocesan Attorney to determine if the accusation has the “semblance of truth.” If the allegation has at least the semblance of truth (even if not proven conclusively), the Vicar General shall direct the Pastor or Principal to place the alleged perpetrator on a leave of absence (if employed) in accordance with Section II.A.5 of the Decree on Child Protection. If the alleged perpetrator is a volunteer, all volunteer services carried out by this person shall be suspended until further notice.
4. The parish or school employee/volunteer shall be given notice of this leave of absence or suspension of volunteer services immediately, first verbally and then in writing, sent via certified mail. The leave of absence shall include relieving the employee of all official duties.
5. The Pastor/Principal shall write an incident report as soon as possible, detailing the facts gathered, steps taken, and the decisions made (#1- 4).

Media and Communications:

6. In the event that the Parish or Catholic school is contacted by the Media, the Pastor/Principal shall direct all questions to the Diocesan Communications Director.
7. In so far as communicating events to other parish/school personnel, volunteers or parents, the Pastor/Principal shall not make any proactive statements. When the need arises, the Pastor/Principal may respond to inquiries from concerned parents: a) by stating that “an investigation is being conducted, and the Parish is cooperating fully with the investigation and the appropriate authorities,” and b) by assuring parents that steps have been taken to insure a safe environment for children in the parish.

The Investigation:

8. The Diocese of Steubenville will rely upon the civil authorities (Job and Family Services, the County Children Services Board, or Law Enforcement) to investigate all alleged incidents of child abuse. Should the Civil authorities choose not to conduct an investigation, the Diocese of Steubenville will take steps to ensure that an investigation is conducted by an objective third party.
9. Parish/Catholic school and Diocese will cooperate fully with the appropriate authorities involved in the investigation. However, written documentation or records of any kind (including contact information) shall not be provided to these authorities unless this information has been requested through a subpoena.
10. Once the investigation has been concluded: a) If the allegation has NOT been substantiated, a determination will be made in consultation with the Vicar General to permit the employee/volunteer to return to work/service, or if it is in the best interests of the Church to terminate employment or volunteer services; b) If the allegation has been substantiated, the Parish/school shall terminate employment or volunteer services immediately. The Pastor/Principal shall give this notification in writing, forwarding a copy to the Vicar General.
11. With the conclusion of the investigation, no proactive formal/public statement should be made in order to insure the privacy of all parties involved. However, the Diocese may respond to inquiries regarding the employment/volunteer status of the individual involved by simply stating the fact that the individual is or is no longer employed or volunteering with the Church.